

COUNCIL AGENDA ITEM # _____ FOR
TUESDAY, SEPTEMBER 7TH, 2004

04 SEP -2 AM 9:1

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM

September 1, 2004

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 1406-1418 Myrtle Avenue (Rep. District #8)

Scheduling a public hearing to be held on September 28th, 2004 to determine if the property located at 1406-1418 Myrtle Avenue in the City of El Paso (Legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of record as of July 6th, 2004, Jose A. Gutierrez, Pedro Taboada and Joseph P. Murray, 2300 N. Campbell Street, El Paso, Texas 79902, have been notified of the violations at this property. District #8

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

**BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
January 30, 2004**

Enriqueta D. Gutierrez
2300 N. Campbell St.
El Paso, Texas 79902-3220

Re: 1406-1418 Myrtle Ave.
Lots: 5 & 6 & E 5' of 4 & W 13'
of 7 & S 100' of E 5' of 3 & S
100' of W 20' of 4 & N 130' of
8 to 10 & N
Blk: 33, Franklin Heights
Zoned: M-1
COD03-13445
Certified Mail Receipt #
7003 1680 0000 1711 8944

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

1406-1418 Myrtle Avenue

- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 1406-1418 Myrtle Avenue has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

If you have any plans, reports or current permits which pertain to the property, you must submit them prior to this hearing to Building Permits and Inspections or bring them to Council Chambers the day of the hearing. Without these documents, no extensions of the deadlines can be granted.

1406-1418 Myrtle Avenue

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in black ink, appearing to read "Leo CassoLopez", with a stylized flourish at the end.

Leo CassoLopez
Building Inspector

LCL/rl

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>Print your name and address on the reverse so that we can return the card to you.</p> <p>Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p><i>Jose A. Gutierrez</i></p>	
<p>Article Addressed to: <i>LC</i></p>		<p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>JOSE A. GUTIERREZ</i> <i>FEB 04 2004</i></p>	
<p>Enriqueta D. Gutierrez 2300 N. Campbell St. El Paso, Texas 79902-3220 Re: 1406-1418 Myrtle Ave.</p> <p><i>LC #3</i></p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>Article Number (Transfer from service label)</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>Article Number (Transfer from service label)</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>Article Number (Transfer from service label)</p>		<p>7003 1680 0000 1711 8944</p>	

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

7003 1680 0000 1711 8944

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	FEB 02 2004
Restricted Delivery Fee (Endorsement Required)	

Postmark Here

Enriqueta D. Gutierrez
2300 N. Campbell St.
El Paso, Texas 79902-3220
Re: 1406-1418 Myrtle Ave.

7003 1680 0000 1711 8944

PS Form 3811, August 2001

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 28th day of September 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1406-1418 Myrtle Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 5 and 6 and the East 5 feet of Lot 4, the West 13 feet of 7, the South 100 feet of the East 5 feet of Lot 3, the South 100 feet of the West 20 feet of Lot 4, the North 120 feet of Lots 8, 9 and 10 and the North 130 feet of the East 12 feet of Lot 7, Block 33, Franklin Heights Addition, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Jose A. Gutierrez, Pedro Taboada, and Joseph P. Murray, 2300 N. Campbell Street, El Paso, Texas 79902, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 7th day of September, 2004.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Marvin Foust
Assistant City Attorney

Tom Maguire
Housing Compliance Supervisor

I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property located at 1406-1418 Myrtle Avenue, was PUBLISHED in the official City newspaper on the ____day of _____, 2004.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property at 1406-1418 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Jose A. Gutierrez, Pedro Taboada, and Joseph Murray
2300 N. Campbell St.
El Paso, Texas 79902

Date:_____
Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property at 1406-1418 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Jose A. Gutierrez
2300 N. Campbell St.
El Paso, Texas 79902

Date:_____
Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property at 1406-1418 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Pedro Taboada
8723 Aparicio Dr.
El Paso, Texas 79907

Date:_____
Time:_____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property at 1406-1418 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Michael R. Wyatt
1011 N. Mesa St.
El Paso, Texas 79902

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property at 1406-1418 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

William B. Crout
Anderson, Anderson, Bright & Crout, P. C.
1533 Lee Trevino Drive Suite 205
El Paso, Texas 79936

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property at 1406-1418 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Jose A. Gutierrez
Pedro Taboada
Joseph P. Murray
1406-1418 Myrtle Avenue
El Paso, Texas 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property at 1406-1418 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Joseph P. Murray
520 Los Angeles Dr.
El Paso, Texas 79902

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property at 1406-1418 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Elena G. Taboada
2824 Lebanon Ave.
El Paso, Texas 79930

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property at 1406-1418 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Maria Luisa G. Murray
520 Los Angeles Dr.
El Paso, Texas 79902

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property at 1406-1418 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Luz Elena Taboada
2824 Lebanon Ave.
El Paso, Texas 79930

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property at 1406-1418 Myrtle Avenue, was (HAND-DELIVERED) to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property at 1406-1418 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated September 7th, 2004 regarding the property at 1406-1418 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 1406-1418 Myrtle Avenue, El Paso, Texas.

Date: _____

Time: _____

Inspector

20040901 TC8006 CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS 085002

ACCOUNT F60799903302500 AMT DUE AS OF: 20040901 ROLL R ALT OWN
UNITS:01 03 06 07 08 OMIT(-)/SEL(+)
GUTIERREZ, ENRIQUETA D 33 FRANKLIN HEIGHTS
2300 N CAMPBELL ST 5 & 6 & E 5' OF 4 & W 13' OF 7 &
S100' OF E 5' OF 3 & S 100' OF W
20' OF 4 & N 130' OF 8 TO 10 & N

EL PASO		TX 79902-3220		PARCEL ADDRESS		1406	-1418	MYRTLE
ACRES		.6292						
YEAR	GROSS VAL	HOVDFAER	RCVL LEVY	REM LEVY	FEEES	PAYMENTS	TOTAL DUE	
2003	130205		3939.00	01/12/2004		3939.00	.00	
2002	135485		4071.16	01/16/2003		4071.16	.00	
2001	135498		4018.63	01/22/2002		4018.63	.00	
2000	126206		3642.55	01/04/2001		3642.55	.00	
1999	153616		4420.52	11/26/1999		4420.52	.00	
1998	153616		4564.50	11/23/1998		4564.50	.00	
1997	152059		4198.50	01/22/1998		4198.50	.00	

TOTAL .00 .00 .00
LAST PAYOR OWNER PAGE TOTAL .00
CUMULATIVE TOTAL .00
ENTER NEXT ACCOUNT